



November 1, 2021

Hon. John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, N.Y. 10007

Re: COWIE v. SODEXOMAGIC, LLC, ET AL
DOCKET NO.: 20-CV-03151 – JPC

Dear Judge Cronan:

The undersigned is counsel to Carlton Cowie, Plaintiff herein. This letter is responsive to Third-Party Defendant, Vitality Food Service, Inc (Vitality) letter of October 22, 2021 and The Court's Order of October 25, 2021.

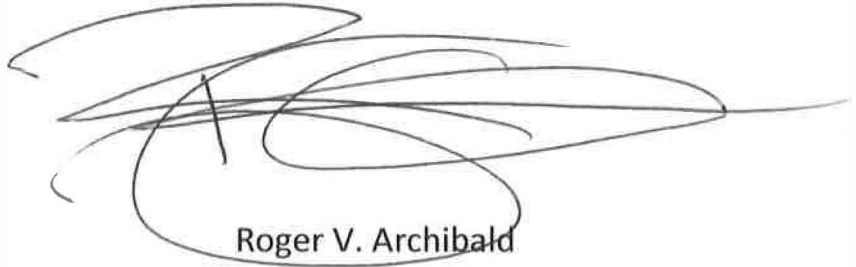
Please be advised that responses to Vitality's Requests for Production of Documents as well as responses to their Interrogatories to Plaintiff, both dated July 13, 2021, were served on Vitality earlier today.

Plaintiff's delay in responding was occasioned by staffing turnovers at my office coupled with difficulties in replacing said staff in light of the ongoing COVID Pandemic. The staffing issues have recently been resolved and all further Court ordered deadlines will be honored.

Plaintiff's tardy response to Vitality's discovery requests was neither intentional nor deliberate and as such the undersigned asks this Honorable Court to forego the imposition of sanctions herein.

We thank the Court for its time, attention and courtesies.

Respectfully Submitted,




Roger V. Archibald

By November 9, 2021, the parties shall file a joint status letter updating the Court on the status of discovery and whether Defendants agree that the issues previously raised have been resolved. If an extension of time is needed to complete depositions, *see* Dkt. 62 at 2, the parties shall also file a proposed Revised Case Management Plan by that date.

SO ORDERED.

Date: November 2, 2021
New York, New York



JOHN P. CRONAN
United States District Judge